IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 2917 of 2007(V)

PETITIONER:

BABU, AGED 45 YEARS,
S/O.THOMAS, MANNAPARAMBIL HOUSE,
MOOLAMATTAM KARA, ARAKKULAM VILLAGE,
THODUPUZHA.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.RENJITH B.MARAR
SMT.LAKSHMI.N.KAIMAL
SRI.DILEEP P.PILLAI

RESPONDENTS:

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1. DEPUTY CHIEF ENGINEER,
K.S.E.B. GENERATION CIRCLE,
MOOLAMATTOM.

2. EXECUTIVE ENGINEER (G) K.S.E.B
GENERATION CIRCLE, MOOLAMATTOM.

3. ASSISTANT EXECUTIVE ENGINEER
K.S.E.B. CAMP SUB DIVISION,
GENERATION CIRCLE, MOOLAMATTOM.

BY S.C.SRI.JOSE J.MATHEIKAL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.2917 of 2007

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Dated this the 30th day of January, 2007.

JUDGMENT

According to the petitioner, his father had bid the right to collect coconuts from certain lands in occupation of the Electricity Board in Moolamattom and that following the demise of his father, the petitioner had been collecting the coconuts. It is stated that the contract amount was just above Rs.5,000/- for three years and that, as of now, the term of the contract has expired and the Board officials are not conducting any re-auction. It is the contention of the petitioner that this situation has resulted in the coconuts being appropriated by the staff of the Electricity Board, who are residing in the quarters in the land and that there is loss of public exchequer by the appropriation of coconuts by the employees and their relatives.

2. The above facts will show that though it might be prudent for persons dealing with public money to have the right to collect the coconuts auctioned, the

petitioner's commercial interest of a person, whose term of contract has expired, is not sufficient enough to trigger the issuance of a direction under Article 226 of the Constitution of India to compel the Electricity Board to conduct an auction as regards the collection of coconuts on the above facts and circumstances. I am not persuaded to issue any such direction, particularly, when these are matters which should gain attention of those interested in the affairs of the Electricity Board. There is no legal right for the petitioner to insist that there should be a compulsion on the Board to have a public auction conducted, particularly, when the turnover that the Board has got over the last three or four years is just above Rs.5,000/-.

For the aforesaid reasons, this writ petition is dismissed in limine.

Thottathil B.Radhakrishnan,
Judge.

sl.